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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEXANDER RODRIGUEZ BAEZ,

Defendant and Appellant.

2d Crim. No. B272352
(Super. Ct. No. 2015033299)
(Ventura County)

Alexander Rodriguez Baez appeals from the judgment entered after a jury convicted him of two counts of kidnapping (Pen. Code, § 207, subd. (a))¹, one count of resisting an executive officer (§ 69), and one count of violating a gang injunction (§ 166, subd. (a)(9)). The evidence showed that appellant, a Colonia Chiques gang member, jumped into a car driven by Fernando Pina and his passenger, Fernando Silva, and

¹ Unless otherwise stated, all statutory references are to the Penal Code.

ordered them to drive away. Fearing that appellant had a firearm, the victims drove off and were stopped by the Oxnard police. Appellant ran from the vehicle and fought two officers before he was arrested.

In a bifurcated proceeding, the trial court found that appellant had a prior strike conviction (§ 667, subd. (e)(1); 1170.12, subds. (b), (c)(1)), a prior serious felony conviction (§ 667, subd. (a)(1)), and had suffered two prior prison terms within the meaning of section 667.5, subd. (b). The trial court sentenced appellant to 16 years four months state prison and ordered appellant to pay victim restitution, a \$1,050 restitution fine (§ 1202.4, subd. (b)), a \$1,050 parole revocation fine (§ 1202.45), a \$120 criminal conviction assessment (Gov. Code, § 70373), and a \$160 court security fee (§ 1465.8).

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, he filed an opening brief in which no issues were raised.

On November 9, 2016, we advised appellant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. On November 22, 2016, appellant submitted a letter brief stating among other things, that he was denied effective assistance of trial counsel, that the trial court erred in consolidating count 4 for violating a gang injunction with the other counts, and that the jury was not drawn from the vicinage where the crimes were committed. These contentions are not supported by the record. (*Strickland v. Washington* (1984) 466 U.S. 668, 687; *People v. Bolin* (1998) 18 Cal.4th 297, 333.) Appellant makes no showing that consolidation of the charges for trial denied him a fair trial (*People v. Thomas* (2012) 53 Cal.4th 771, 798-799; *People v.*

Valdez (2004) 32 Cal.4th 73, 120) or that there was an impairment of his right to trial by a jury of vicinage (*Price v. Superior Court* (2001) 25 Cal.4th 1046, 1075; *People v. Posey* (2004) 32 Cal.4th 193, 222).

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 126.)

The judgment is affirmed.

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YEGAN, Acting P. J.

We concur:

PERREN, J.

TANGEMAN, J.

Matthew P. Guasco, Judge

Superior Court County of Ventura

Mark R. Feeser, under appointment by the Court of
Appeal, for Defendant and Appellant.

No appearance by Respondent.